

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOUGLAS M. MARTIN,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION,
et al.,

Defendants.

No. 1:23-cv-00822-JLT-SAB (PC)

ORDER SETTING SETTLEMENT
CONFERENCE

Hearing: **Settlement Conference**
Date: **June 3, 2024**
Time: **8:30 a.m.**
Location: **CSP-COR**

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

This case was set for a settlement conference before Magistrate Judge Barbara A. McAuliffe on April 25, 2024; however, due to security concerns at California Correctional Institution, Tehachapi, where Plaintiff is housed, the settlement conference could not proceed. The Court therefore continued the settlement conference to take place in-person at the California State Prison, Corcoran (CSP-COR), 4001 King Avenue, Corcoran, CA 93212 on June 3, 2024 at 8:30 a.m. The Court will issue any necessary transportation order in due course.

The parties shall each submit a confidential settlement conference statement, as described below, to arrive at least seven days prior (one week) to the conference.

The court puts the parties on notice that if Plaintiff has any outstanding criminal

1 restitution obligation, fines and/or penalties, these settlement negotiations shall not be geared
2 towards what the restitution obligation is, but what the value of the case itself is to each side,
3 irrespective of any outstanding restitution obligation.

4 Defendants shall be prepared to negotiate the merits of the case and offer more than a
5 waiver of costs as a reasonable compromise to settle the case. The parties are also informed that
6 an offer of dismissal in exchange for a waiver of costs is not considered good faith settlement
7 negotiations.

8 In accordance with the above, IT IS HEREBY ORDERED that:

- 9 1. This case is STAYED pending completion of the settlement conference and further
10 order of the Court.
- 11 2. This case is set for an in-person settlement conference before a Magistrate Judge
12 Barbara A. McAuliffe on **June 3, 2024 at 8:30 a.m. at CSP-COR.**
- 13 3. A representative with full and unlimited authority to negotiate and enter into a binding
14 settlement shall attend in person.
- 15 4. Those in attendance must be prepared to discuss the claims, defenses and damages.

16 The failure of any counsel, party or authorized person subject to this order to appear in
17 person may result in the cancellation of the conference and the imposition of
18 sanctions. The manner and timing of Plaintiff's transportation to and from the
19 conference is within the discretion of CDCR.

- 20 5. Defendants shall provide a confidential settlement statement to the following email
21 address: **bamorders@caed.uscourts.gov.** Plaintiff shall mail his confidential
22 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California,
23 93721, "**Attention: Magistrate Judge Barbara A. McAuliffe.**" The envelope shall
24 be marked "Confidential Settlement Statement". Settlement statements shall arrive no
25 later than May 20, 2024. Parties shall also file a Notice of Submission of Confidential
26 Settlement Statement (See Local Rule 270(d)). Settlement statements **should not be**
27 **filed** with the Clerk of the Court **nor served on any other party.** Settlement

1 statements shall be clearly marked “confidential” with the date and time of the
2 settlement conference indicated prominently thereon.

3 6. The confidential settlement statement shall be **no longer than five pages** in length,
4 typed or neatly printed, and include the following:

- 5 a. A brief statement of the facts of the case.
- 6 b. A brief statement of the claims and defenses, i.e., statutory or other grounds
7 upon which the claims are founded; a forthright evaluation of the parties’
8 likelihood of prevailing on the claims and defenses; and a description of the
9 major issues in dispute.
- 10 c. An estimate of the cost and time to be expended for further discovery, pretrial,
11 and trial.
- 12 d. The party’s position on settlement, including present demands and offers and a
13 history of past settlement discussions, offers, and demands.
- 14 e. A brief statement of each party’s expectations and goals for the settlement
15 conference, including how much a party is willing to accept and/or willing to
16 pay.
- 17 f. If the parties intend to discuss the joint settlement of any other actions or
18 claims not in this suit, give a brief description of each action or claim as set
19 forth above, including case number(s) if applicable.

20 7. If a settlement is reached at any time prior to the settlement conference, defense
21 counsel is directed to file a Notice of Settlement in accordance with Local Rule 160.

22 8. The parties remain obligated to keep the court informed of their current address at all
23 times while the action is pending. Any change of address must be reported promptly
24 to the court in a separate document captioned for this case and entitled “Notice of
25 Change of Address.” See Local Rule 182(f).

26 9. **A failure to follow these procedures may result in the imposition of sanctions by**
27 **the court.**

10. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at California State Prison, Corcoran, via facsimile at (559) 992-7372 or via email.

IT IS SO ORDERED.

Dated: April 26, 2024



UNITED STATES MAGISTRATE JUDGE